

# Joint Reservoir Committee and Authority Board Meeting

Agenda Item 2.1: Consideration of Project  
Approval and Related CEQA Actions

November 17, 2023



# Requested Action Under Consideration

Proposed Board Resolution No.2023-02 providing for the following actions:

1. Certify the Final EIR for the Project under CEQA;
2. Adopt CEQA Findings;
3. Adopt the Statement of Overriding Considerations;
4. Adopt the Mitigation, Monitoring and Reporting Program;
5. Approve the Project as described in the CEQA Findings;
6. Direct the Executive Director to File a NOD and pay all related fees and authorize the Executive Director to certify the CEQA record of proceedings

# Process for Today's Activities

1. Staff presentation
2. Public comments
  - In the room
  - Virtual
3. Reservoir Committee/Authority Board discussion and deliberation
4. Reservoir Committee recommends action
5. Authority Board takes action

# How to Make Public Comments

- In Person
  - Written: Provide to Marcia
  - Verbal: Complete comment card, provide to Marcia
- Virtual
  - Written: email to [info@sitesproject.org](mailto:info@sitesproject.org)
  - Verbal: Raise your virtual hand, put name and email in chat
- Phone
  - Wait until prompted, will be taken last
- If you represent a Tribal government or are/represent an elected official, please let Marica know or add in chat

**Comments limited to 3 minutes and must be relevant to the CEQA process**

# Staff Presentation

Ali Forsythe



# Final EIR/EIS Released on November 2

- Final EIR/EIS
  - Authority CEQA lead agency
  - Reclamation NEPA lead agency
- Released on November 2, 2023
  - Posted on Authority, Reclamation and State Clearinghouse websites
  - Press release
  - Federal Register notice on November 3
- Notice provided to landowners and to public agencies that commented on the Revised Draft EIR



# Final EIR Culminates Over 20 Year of Effort

- DWR initiated CEQA process 2001 with NOP
- Authority issued supplemental NOP in 2017
- Draft EIR/EIS released in 2017
- Authority undertook value planning process
  - Revisions made to the Project to avoid and minimize impacts and improve affordability
- Revised Draft EIR/Supplemental Draft EIS (RDEIR/SDEIS) released in 2021
  - Completely revised and recirculated analysis
  - 101 comment letters, approximately 1,000 comments

# Final EIR Provides a Robust Analysis

- Final EIR/EIS
  - Volume 1 and 2 – Revision to the RDEIR/SDEIS
  - Volume 3 – Comments and responses
- Key changes between RDEIR/SDEIS and Final EIR/EIS
  - Preferred Alternative is now Alternative 3
  - Revisions to diversion criteria and associated modeling to be more protective of fish
  - Corrections or clarifications needed in response to comments throughout
    - Notably, more expansive and extensive analysis of water quality
- No new or substantial greater impacts identified that would require recirculation
- Final EIR/EIS prepared in accordance with CEQA and the CEQA Guidelines



# Extensive Outreach Efforts Conducted

- Local community and landowners
  - Local Community Working Group - Broad cross-section of local agencies and community organizations in the Colusa, Glenn, and Yolo county areas
  - One-on-one and small group discussions with various local and regional agencies and landowners in and around the Project area
- Non-governmental organizations
  - Numerous small group meetings and one-on-one discussions
  - Topics of discussion covered the areas these groups expressed concerns about
- CEQA responsible and NEPA cooperating agency
  - Reviewed administrative draft versions of the RDEIR/SDEIS and Final EIR/EIS chapters, appendices, and responses to comments
- Joint Reservoir Committee and Authority Board meetings
  - Additional public opportunity to comment

# The Authority Has Complied with AB 52 Requirements

- Outreach efforts to:
  - Five tribes with traditional and cultural affiliation with the Project area
  - Tribes outside of the Project area that could be affected by changes in river flows
- AB 52 Consultation with Cachil Dehe Band of Wintun Indians and Yocha Dehe Wintun Nation – responded to the 2017 notification of the Project
  - Ongoing consultation efforts and meetings since 2017
  - Provided existing studies and data on known cultural resources
  - No specific comments from consulting Tribes to date
- Recently began discussions with Paskenta Band of Nomlaki Indians
- Commitment to work throughout the life of the Project to better understand and respectfully incorporate and honor the Tribes from their perspective

# Key Steps and What Each Means

1. Certification of the Final EIR
  - Completed in compliance with CEQA
  - Board has reviewed and considered the information contained in the Final EIR
  - Final EIR reflects the Authority's independent judgement and analysis
2. Adoption of the CEQA Findings
  - Environmental review process and contents of the Final EIR
  - Significant environmental effects and mitigation measures
  - Alternatives considered and the reasons for rejecting alternatives
3. Adoption of the Mitigation Monitoring and Reporting Program (MMRP)
  - Committing to implement all of the mitigation measures in the MMRP
  - Consistent with SB 149, making a binding commitment to the Governor to implement the mitigation measures related to disadvantaged communities
  - Mitigation measures reflected in the MMRP are the same as in the Final EIR

# Key Steps and What Each Means (cont)

4. Adoption of the Statement of Overriding Considerations
  - Reasons for why the various social, economic, environmental, and other benefits of the Project outweigh the significant and unavoidable effects
5. Project Approval
  - Deciding whether, and if so how, to approve and carry out the Project
  - The Project as defined for approval in the findings consists of Alternative 3 as evaluated in the Final EIR with the TRR West location
  - If approved, the Authority would then be able to carry out all of the Project activities
6. Direction to the Executive Director
  - To file the Notice of Determination and pay all associated fees
  - Authorizing to certify the record of proceedings consistent with CEQA and SB 149

***All steps included in Resolution 2023-02. Adopting the Resolution takes all of these steps in the correct order.***

# The Reservoir Committee and Authority Board Has Been Preparing All Year

- Eight public briefings that have been provided since the beginning of 2023
- Covered all aspects of the Final EIR and the action today
- Public also had an opportunity to make comments to the Board at each of these briefings
- Board input received during these briefing was considered in preparing the final documents

# Governor's Certification Under SB 149

- On November 6, 2023, California Governor Newsom certified the Project as an infrastructure project qualifying for judicial streamlining
- Requires the Authority to make certain public notices within 10 days of the certification – completed
- Authority must make a binding commitment to the Governor to implement specified mitigation measures related to disadvantaged communities
  - Would be accomplished by the Authority adopting the findings and MMRP
- Authority must also certify the record of proceedings within 5 days of approval of the Project
  - Action today delegates this to the Executive Director

# Comments Received After the Release of the Final EIR/EIS

- Two letters prior to issuance of the Board packet
  - Cachil Dehe Band of Wintun Indians (Colusa Community Indian Council)
  - County of Yolo
- Two letters after the issuance of the Board packet
  - Yocha Dehe Wintun Nation
  - Contra Costa Water District
- Raise concerns that have already been addressed in the Final EIR or the CEQA record of proceedings
- CCWD letter is largely not relevant to the CEQA process

# Errata and Corrections

- Two minor corrections to Final EIR
  - Corrected Chapter 28 to reflect that letters were not sent to the Tribes in August
  - Corrected Volume 3, Response to Comments, to adjust categories for a few commentors



# Questions from Reservoir Committee and Authority Board?

# Public Comments

Sara Katz

# How to Make Public Comments

- In Person
  - Written: Provide to Marcia
  - Verbal: Complete comment card, provide to Marcia
- Virtual
  - Written: email to [info@sitesproject.org](mailto:info@sitesproject.org)
  - Verbal: Raise your virtual hand, put name and email in chat
- Phone
  - Wait until prompted, will be taken last
- If you represent a Tribal government or are/represent an elected official, please let Marica know or add in chat

**Comments limited to 3 minutes and must be relevant to the CEQA process**

# Public Comment Is Now Closed

- Public comment period for the Sites Project EIR is now closed
- No additional comments will be accepted

# Reservoir Committee and Authority Board Deliberations

# Requested Action Under Consideration

Proposed Board Resolution No.2023-02 providing for the following actions:

1. Certify the Final EIR for the Project under CEQA;
2. Adopt CEQA Findings;
3. Adopt the Statement of Overriding Considerations;
4. Adopt the Mitigation, Monitoring and Reporting Program;
5. Approve the Project as described in the CEQA Findings;
6. Direct the Executive Director to File a NOD and pay all related fees and authorize the Executive Director to certify the CEQA record of proceedings

